

SPEECH

OF

HON. J. R. THURMAN, OF NEW YORK,

ON

THE CALIFORNIA QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, SATURDAY, JUNE 8, 1850.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE
1850.

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries.

ON THE THEORY OF THE EQUATION OF MOTION

THE CALIFORNIA QUESTION.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. THURMAN said:

Mr. CHAIRMAN: A very distinguished Senator, in the opening of his late famous address to the Senate of the United States, said, "I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States."

That sentiment, expressed in a slight change of language, with which I desire to address this House, is, I wish to speak as a northern man, as a New York man, and as an American.

I can see nothing in the character and feelings of New York men and northern men, incompatible with a true, American patriotism. Indeed, I believe that the State which I have the honor in part to represent, is most truly national in its feelings, interests, and politics. That it has surrendered more of power into the hands of the General Government than any other State, and, that it has a larger stake in the perpetuity of our Federal Union. Her geographical position has enabled her to profit, in a pecuniary point of view, by this Union; she has extended her capital into every new State of the Republic, and encouraged the citizens of those States to develop the latent resources of the earth and soil. She has stretched her lines of commercial communication across her own bosom, and lent forth the means to other States to connect their various sections with her great emporium.

I am free to confess, that in all this she has looked well to her own interest; but now that that interest is thoroughly interwoven with all parts of the Union, she may surely be regarded as the most national and least sectional of any of the States of the Republic. She is not disposed to set up for Congress powers which infringe upon the rights of the States, or advocate the exercise of unlawful powers which draw invidious distinctions between sections. It may rather be said of her, that on more than one occasion she has allowed her own rights to be invaded, and for the sake of the harmony and welfare of this Republic, has remained from the least complaint. She can well afford to be magnanimous, and magnanimity is never coupled with justice. She is just to others, and has no desire, at this time, or at any time, to encroach upon the rights of the weak.

Now, Mr. Chairman, I will attempt to discuss the exciting questions before this committee.

And, first, let me remark, that the chief difficulty of fair adjustment lies in the fact, that we have no common hypothesis to stand upon, and that our southern friends are neither agreed among themselves nor consistent with themselves, either with regard to construction of law, facts, or the fundamental principles of the Constitution.

Without meaning to assail the integrity of so eminent and able a statesman as the honorable Mr. Berrien, of Georgia, I will take his case as an instance of a change of position upon a very essential point in this controversy.

In 1844, he was opposed to the annexation of Texas, and, in reply to the arguments of certain southern men, that Texas would furnish a protection and safeguard against the escape of the slaves of the South, by being annexed to the United States, he said:

"If Texas remains as she is, we have on our southwestern border a State in which slavery exists, not only under the guarantee of its constitution, but under a constitutional inhibition to abolish it. If Texas be admitted to the Union, our immediate neighbor will be Mexico, and her constitution forbids the introduction of a slave into her territory. Texas, as she is, an independent State, employing slave labor for the cultivation of her soil, constitutes a barrier to the contiguous slave States of the Union. Texas as she would be, if this treaty were ratified, would afford an outlet of escape for the slave to a country where, from the nature of its institutions, from the variety and admixture of its population, from the amalgamation of the Spaniard, the Indian, and the negro, he would find a congenial home."

Here, then, we find him holding the ground that Mexico was free from slavery, and that the ready amalgamation of the Indian, the Spaniard, and the negro, would supply facilities of escape and refuge to the runaway slaves of the South. He preferred the interposition of the independent slaveholding republic of Texas, whose constitution contained an inhibition against the abolition of slavery between us and Mexico, to the removing our frontier to a contiguity with a free State. Then the scheme of annexation was not thoroughly entered into by all parties at the South; then the waning power and departing sceptre of the South had not created in the minds of all parties a longing for the political equilibrium; and then it did not clash with the designs of the South to regard Mexico as a State, freed from the institution of slavery.

Now, we find this usually liberal and national statesman, in a speech delivered during this session

of Congress, going into an ingenious, but, as I think, fallacious argument, to show that the decree of the Dictator Guerrero was not regarded by the Mexican Congress as binding, and that the acts passed by that Congress in 1829 and 1837 were unconstitutional and void.

I know, sir, that neither the honorable Senator nor the South generally, profess to rely fully upon the latter position; for they go further, and assert that the Constitution of the United States, the moment the Territory was transferred to the United States, took effect, so as to sweep away all the *leges loci* inconsistent with its provisions; that the Constitution guarantees the right of property in slaves, and that the slaveholder can go to this country and hold his slaves as property under it.

I will answer this argument in its proper order, and will now adduce another instance of change of position on the part of southern statesmen.

The doctrine of non-intervention, as it is called, was set forth by General Cass, in his Nicholson letter, and the whole Democratic party at the South rallied to his support, upon that point. Now, sir, what is this doctrine? It is, that Congress has no authority to pass any laws either abolishing or establishing slavery in the Territories; and, that the settlement of the question must be left to the people of those Territories, whenever they shall form a State constitution and laws. In the confident expectation that this doctrine would be adhered to by, at least, the Democratic party South, the people of California, pressed by a growing necessity, and, long neglected by the General Government, have formed a republican constitution, and, settling this very question for themselves, apply for admission into this Union, according to the terms of the Constitution of the United States and of the treaty of Guadalupe Hidalgo.

Here is an opportunity to put the admitted doctrine into practical operation; but sir, it is evaded by frivolous and merely technical objections, all of which, these gentlemen are most ready to waive, for considerations of compromise. If these objections are real and worthy of notice, they ought certainly to involve constitutional principles; and I cannot see how independent, incorruptible, and conscientious gentlemen, as the southern statesmen boast continually of being, can compromise the Constitution.

They are now ready to make the admission of California one of the conditions of a general arrangement of our difficulties, and, we are also informed, that a recognition of the right of the slaveholder to hold his slaves as property in the newly-acquired Territories shall be another of those conditions. Is this pure non-intervention, or is it intervention to establish, equally as unconstitutional, on the hypothesis assumed, as an intervention to prohibit slavery?

Again, sir: whenever the subject of the interference by Congress, under the clause of the Constitution authorizing it to regulate commerce between the States, is remotely hinted at, the whole South cries out, our slaves are not merchandise, in the general sense of the term; they cannot be the subjects of commercial regulation; they are property only in the States where slavery exists, and are subject to municipal and local regulation. The States pass laws inhibiting their introduction merely for sale as merchandise; and the constitution of at least one slave State has made it unlaw-

ful to introduce slaves as merchandise for sale into the State.

But when the question arises, whether Congress has power to exclude slavery from the Territories, slaves become property in the largest and most extensive application of the term; they are merchandise, chattels; they are like horses, cattle, and other domestic animals.

Now, sir, permit me, in passing, to refute, in a homely way, the absurdity of this position: A slave escapes and is pursued by his owner into a free State. He is reclaimed under the provisions of the Constitution and laws of the United States. A horse escapes and is pursued into the free State and reclaimed according to law. Now, suppose neither the slave nor the horse are pursued and reclaimed. The slave cannot become the property of any person within the free State—he goes free—is a man, no chattel; and, by compliance with the requisitions, may become a citizen. But the horse is a chattel still; change of location has not changed his nature or condition. He is merchandise, property, everywhere, and the Constitution so regards him. The slave, on the other hand, is called "a person held to service"—he may not be a slave for life even; he may be an apprentice for a term of years, and, being a person, the Constitution has not authorized Congress to make him a chattel, it has merely authorized it to provide the means of his reclamation and return to the State in which the service was due.

Having instanced some of the inconsistencies and changes of position of those who oppose the power of Congress to inhibit the introduction of slavery into the Territories, I shall proceed to show, that Congress does possess that power, and that the circumstances of the present case call for its exercise.

I shall take occasion to say in this place, that I am not one of those who have come to the conclusion that slavery, as it exists in the southern States of this Union, is a sin—that is, that the people of the South who stand in the relation of masters to their servants, who are slaves, are committing sin by perpetuating that relationship. I cannot regard the question as one of faith, but merely of belief; and whether of faith or belief, is a purely theological question, not to be settled by the people in their political character, nor by the people's representatives. Besides, it is inconsistent with the plain letter of the Constitution and that spirit of religious toleration which dictated it, and which prohibits the establishment of any system of religion, to subject our fellow-citizens to a religious test.

My opposition to the extension of slavery, prefer to base on the ground of its being a social and political evil; and as the South have been a ready taunted with the contrast of their condition when compared with the condition of the free States, I will not parade the picture before the committee, but, as a part of my argument, I once assume, what is visible to the eye of all, that slavery dwarfs the energy and retards the growth and prosperity of a people.

Regarding it in this light, it becomes my duty as a faithful legislator, and in accordance with the great American maxim laid down in the Declaration of Independence, "that Governments were established for the benefit of the governed," provide such governments for these Territories

now placed under our charge, as will best promote *their* happiness and welfare.

The question arises, has Congress the power to prohibit the introduction of slavery into any of the Territories of the United States, when it undertakes to establish Territorial Governments? It seems to be assumed by all that Congress has the power to create such governments. Whence is it derived?

If directly drawn from that provision of the Constitution which authorizes Congress to "make all needful rules and regulations respecting the territory or other property of the United States," gentlemen say that the subsequent clause of the provision, which prohibits Congress from interfering with the "claims of the States," debars us from passing any prohibition against the claim or right of the inhabitants of the States to carry their property, whether slaves or any other property, into the Territories.

"The claims," undoubtedly refer to property, but if in the former clause "property" is synonymous with "territory," it must mean land—the land in the territory. It cannot mean property in the States, for all such property is subject to the laws of the States.

This then, destroys the idea of a transfer of the rights of property, peculiar to certain localities, to the Territories. "All needful rules and regulations" must operate on persons; and acting upon persons are laws. Laws, to be effective, must be administered; and the administration of law is government. In addition to this, Congress is specially authorized to make such laws as are necessary to carry its powers into effect; if there were no special provisions of this kind, it would follow as a matter of course—of necessity.

Besides, the power to acquire carries with it the power to govern a Territory.

It is true, I am one of those who have doubted the authority of this Government to acquire foreign territory. We have been overruled, and overruled by those who now seek to curtail the power to govern.

This is a very apt illustration of the truth "that they that sow the wind must reap the whirlwind." These Territories were wrested from Mexico at the procurement of the South, and after due notice that free territory must be kept free. It remains for those who object, to show that legislation in regard to the subject of slavery must be excepted from the power to legislate. And the only argument adduced is, that it is an unfair exclusion of the slaveholder from participation in the Territories.

This assumes that he has a constitutional right to hold his slave as property. But the Constitution does not recognize the right of property in man, much less the right to transfer a local regulation of property to the Territories. The word "slave" was studiously kept out of the instrument, and the word "person" inserted, as referring to slaves. But I need not press the argument any further. It is trite, familiar to all, and can receive no additional force from my expositions. After so thorough a discussion as it has received, I may fairly assume that it is proved.

But, sir, if it may still be disputed, why do gentlemen announce their determination to cast aside their appeal to the constitutional remedy against unconstitutional legislation, and threaten

us with a dismemberment of this Union, civil war and all its horrors, if we do not desist from the exercise of this power? They even menace us with an interruption and overthrow of this Government itself, by withholding the supplies necessary to carry it on.

Sir, permit me to say that such conduct will raise an issue of more momentous import to the people of this country, than the question of slavery extension: A question whether we shall have a democratic republican government, in which a majority of the people shall rule according to the Constitution, or whether we shall have an oligarchy, in which the minority shall dictate the legislation of the majority.

If we submit to this, at any time hereafter, whether on the question of slavery or any other question, in which a large interest is combined, the few may control the many.

We have a great and increasing tariff interest, a powerful commercial interest—powerful States may combine and set at defiance their sisters of the Republic.

If this Union and its Government are the weak and decaying fabrics, which they are by some regarded, and which such menaces would lead us to suppose they regard them, I believe the northern people would not be unwilling to try their strength, before time and accumulating weight would make their fall more disastrous. The North has no idea of disunion; we will do all in our power to preserve the Republic, save a submission which brings about a revolution, bloodless though it be, yet real and complete.

We have been accused of a design to stretch a cordon of free States around the slave States, and thus compel them to resort to the emancipation of their slaves. And a gentleman of this House, supposed to speak for the North, has admitted the charge to be true. I have never heard the design broached in my district, nor in the North. The policy is new to me; indeed, the absence of all motive for such design is a sufficient refutation of the charge.

To say that slavery must have geographical limits, is but to say that nations have such limits. We may entertain an opposition to the extension of the limits, but opposition to extension does imply a *design* to limit—to set new limits—nor even employ those now fixed to the injury of the institution limited.

It is one of the evils of slavery that its overgrowth demands extension, and extension which one day must reach its outer bounds.

Whatever hopes the friends of human liberty may entertain in regard to slavery's curing itself; whatever sagacity they may possess in discovering the mode by which the evil will extinguish itself, the North cannot be charged with deliberately originating a *design* to drive slavery to effect its own extermination.

Slavery at the present has "ample room and verge enough," and if slaveholders, through the keenness of their foresight, have discovered that the day is approaching when their now cherished "institution" will be a burden, an intolerable curse, it would be wiser to employ their mental vigor in contriving a mode of safe emancipation and removal of their slaves, than to wrangle with the North about a point of honor, and question of constitutionality, which has been settled by the

whole policy of the Government for the last fifty years.

Besides, when the Constitution was formed, the idea that our territory was to be extended, was not entertained; much less was any intention of extending the area of slavery anticipated. The relief which that institution has enjoyed by acquisition and annexation of slave territory, has been gratuitous on the part of the North. And when the free States refuse to convert free territory into slave territory, for the further relief of the slaveholder, it is unfair to charge, and it is unauthorized to acknowledge, that that refusal is made with a wanton design to destroy the institution of slavery.

The next point to be considered is, if Congress has the authority to prohibit the introduction of slavery into the newly-acquired Territories, ought the authority to be enforced at this time?

I have heard very distinguished and able men of the South admit the authority, and at the same time declare that the exercise of lawful authority may become the most oppressive and tyrannical use of power. A very distinguished northern statesman has pronounced the prohibition as unnecessary and insulting to the South; and is willing to rely upon physical geography and the laws of nature to exclude slavery from these Territories.

Sir, I believe that many parts of the country in question are equally as well adapted to slave labor as any territory in which slavery now exists. We are assured by a Senator from Virginia, that slave labor would be immensely profitable in the gold mines, and that if it had not been for the pendency of the Wilmot proviso, as it is termed, slaves would be carried to the mines, even though emancipation within two years was the condition. But, sir, I know of no more necessary occasion for the exercise of a constitutional power of Congress, than when the power is denied. To abstain from the use of the power in a moment like this, is to surrender the power altogether. And if the power is now surrendered, the next concession demanded, (nay, is now demanded,) will be that the Constitution authorizes the introduction of slavery into the Territories, by first guarantying to the owner of that kind of property protection and security, and next annulling the entire *lex loci* of the newly-acquired territory which interferes with its provisions. Let the action of Congress conform with these pretensions, and slavery obtains a foothold in the country which it did not possess under the Mexican law, and which no principle of right would warrant.

The ordinance of 1787 was not considered unnecessary or insulting, and its reenactment created no excitement, and was not regarded as a taunt or insult to the slave States.

But, sir, the idea is advanced that the Territories are an estate in common, and it is a fraud to debar the slaveholder from an equal participation in them. In connection with this idea is the political heresy, that this is a Government of trust powers, held and to be exercised for the benefit of the grantees—that is, the States. Now, sir, I deny the whole doctrine of trusteeship as applicable to the Government. It is incompatible with the Constitution, which says: "We, the people of the United States, in order to form a more perfect union," not league; and after enumerating certain other objects, goes on to clothe the different de-

partments of this Government with the war, and treaty-making, and legislative powers. These are all the elements or constituents of sovereignty. The United States became sovereign, and as a sovereign, has conducted its intercourse with the nations and governments of the world. She has been regarded and treated as an entity by those with whom she has held intercourse.

But, sir, if the idea of trusteeship is to be admitted into the consideration of the case, the uniform practice of the General Government in managing the Territories for *their* benefit strikes me as the most appropriate and just discharge of duty. She has allowed them to ripen into States—States composed of the citizens of the Union, and allowed them full and disembarassed opportunities of being admitted into the Union of the States.

To carry out this idea of a trust, we ought rather to regard the Territories as wards, as beneficiaries of an estate, which is to be managed *for their* benefit, and at last delivered over to their possession in the best possible condition and political welfare. For the General Government to fold its arms, and permit slavery, or any other political evil, to overrun the new territory, would be to abandon them to ruin. For these reasons I should feel justified in voting for what is termed the "Wilmot proviso," whenever we undertake to establish territorial governments.

Now, sir, in view of settling our present difficulties, we have before us three modes of adjustment: First, the recommendation of the President, to admit California with her present boundaries and constitution, and leave the settlement of the slavery question to the Territories, whenever they apply for admission as States; this is the subject properly before this committee. But, by way of amendment, we have notice of matters to be attached, which, in my judgment, ought not to be discussed or mingled with the question of the admission of a sovereign State. And, lastly, we are called upon to run the line of 36° 30' to the Pacific, and decree that slavery shall not be tolerated north of that line. This is to cut down the boundaries of the State of California, and leave a portion of the remaining territory to create the same difficulties and excitement in regard to the subject of slavery which now exists. The President has taken into view all the difficulties and dangers of attempting to do too much. And in order to leave the question of the admission of California to stand upon its own merits, has proposed her speedy admission, independent of the other vexatious questions. He has been denounced as failing to meet the crisis. He has been charged with tampering with the people of California, and attempting to obtain by indirection what the friends of the proviso propose to do openly—exclude slavery from the newly-acquired Territories. This latter charge, if not entirely abandoned, has been triumphantly refuted, and has not the least evidence to sustain it. The complaint, that the President has failed to meet the crisis, can best be answered by inquiring what the crisis is.

Whenever politicians seek to create issues which shall draw the public mind from the channel of fair discussion, they are prone to invent issues which shall best suit their own designs. It cannot be denied that the action of the late Administration has entailed difficulties growing out of the acquisition of new territory, which the opponents of that

Administration sought to avoid. But the late party in power, have discovered that these difficulties were not sufficiently embarrassing to the present Administration. They must pile Ossa upon Pelion, and open all the bitter fountains of sectional animosity. The South, already sensitive upon the subject of the reclamation of fugitives from labor, has been fomented into frenzy upon that subject. The abolition of the slave trade in the District of Columbia, a measure in which all sections were quietly and contentedly acquiescing, has been thrown into the caldron of strife. And all this is done to convict the President of weakness and inability to meet the crisis.

But what has the reclamation of fugitive slaves to do with the admission of a sovereign State into the Union? What has the establishment of territorial governments to do with the abolition of the slave trade in the District? The fair issue is, how shall we dispose of the newly-acquired Territories in a way to avoid and assuage the sectional jealousies, concerning the disposal of those Territories? California, acting under the American right to form a State, has officially informed the head of this nation that she is ready for admission; and the President has transmitted the constitution of the newly-formed State to Congress, with a recommendation, that she be admitted into the Union of the United States without unnecessary delay.

In view of the difficulties and dangers of attempting, in the present condition of parties in the House and Senate, to form, by act of Congress, territorial governments for the remaining territory which we have recently acquired from Mexico, he advises us to leave that territory in its present condition, to settle the question of slavery for itself, whenever, as States, it shall apply for admission into the Union. He has also refrained from any recommendation of a mode of settling the question of boundary between Texas and New Mexico, regarding it as a question appropriate to the adjudication of the Supreme Court.

Permit me to inquire what failure to meet the exigencies of the times and of the occasion can be discovered in this course of the President? If his political adversaries charge him with refusing to be dragged headlong into a snare which they have contrived, the country will appreciate his sagacity, prudence and patriotism. If ambitious aspirants for the Presidency have dugged a pit for him to fall into, and now rave with disappointment, because the stern old Roman has courage and firmness to adhere to his own honest and manly course, let them fulfill the Scripture, by falling into the pit themselves.

But, we are told the country is agitated from centre to circumference by the great exciting subjects which engage the public mind. I believe the excitement is overrated and the agitation is strictly congressional in its character.

We were told in the early part of the session, that thirty blast furnaces were at work throughout the Union, and one great national furnace, this Congress, at the work of agitation. The fires of the "thirty" are now extinct, like the unfortunate forge-fires of our iron makers, and it requires the most industrious efforts of Senatorial declamation to supply fuel to keep alive the congressional agitation.

The people are at peace, waiting anxiously, though not impatiently, for a dilatory, and I may say a factious, Congress, to discharge its duties,

and give protection and security to the languishing interests of the country.

In my opinion, the President has met every crisis, as that is the term in vogue; a term completely robbed of its force and meaning by its familiar and hackneyed application to every question of the day.

The agitators, who create unnecessary issues, who are arousing spirits which they have neither the power nor the disposition to quell, are most likely to fail in this conflict; and if they fail in accomplishing their sinister purposes, the country may rejoice. But there is a practicability in the mode suggested by the President. He first advises a measure which will meet the entire approbation of the country, the admission of California as a State, and next seeks to remove from Congress the remaining two questions, which fairly belong to the Territories—the question of slavery extension to the Territories, and the boundary question between Texas and New Mexico. No one can deny, that if these two latter were taken away from Congress this agitation would cease. There would be no subject of contention between sections; and a dispassionate observer must inevitably infer, from the opposition to this plan, that its opponents do not desire a settlement at this time. It has been evident, from the outset, that a large and powerful party are determined to crush this Administration under the weight of superincumbent difficulties, and achieve the eclat and popularity of final adjustment; a dangerous and treasonable party really desire a separation of the States, and this party desires no adjustment, or disposal of the elements of discord, and these two are coöperating to denounce the President and his patriotic advice to Congress. A plan which extracts the virus of this controversy about slavery cannot be acceptable to those who build their hopes of political and sectional aggrandizement upon the strife and agitation of this question.

Again, sir: none of us can fail to discover the ulterior design of politicians in a certain section, to use the power of the General Government to extend an institution which, by the Constitution made under the exigencies and circumstances of the day of its formation, is a basis of political power. The South must not suppose that there exists a design to abandon the compromises of that instrument. We do not begrudge the South their slave representation.

They, however, in view of the increasing strength of the North, are struggling for an "equilibrium" of political power. I know, sir, we have heard much of the argument, that diffusion will not increase the numbers of the slaves. Whilst I will not insist that this is not strictly true, (for population of all kinds increases by a ratio which is materially affected by circumstances,) I must reply, that the representation in the Senate is equal between the States and not regulated by population.

If, then, the slave interest, which in this country, is an element of political power, can secure and retain an equal number of States, a great political object is attained. This, then, is the key which unlocks the motives of the opposition to any prohibition of the extension of slavery, and explains the object for holding to every theory which interferes with the design. This will explain why the ordinance of '87 is now a taunt and encroachment; why statesmen repudiate the ground that slavery is prohibited by local law in the newly-acquired Mexican territory; and why the modern idea of a

transfer of right to hold slaves as property, from a sovereign State where slavery exists, to the territory of the United States, is advanced.

The President saw all this, and proposed such action of Congress as raised no issue of doctrine, and which ought to have met with the approval of all parties.

He is condemned by the ultraist of both sections, for failing to establish slavery on the one hand or prohibit it on the other.

This conflict, I have said, Mr. Chairman, grows out of a struggle for political power. All the talk about the reclamation of fugitive slaves, the agitation of Abolition theories, and the abuse of the South in the public press at the North, are the mere paraphernalia with which gentlemen are prone to surround the main question. The security of slave property in the States, the probability of any future encroachment upon that property, are themes upon which Buncombe speeches are made—amusing and perhaps expedient for men, but they have no intimate relation to the main question.

Shall the compromises of the Constitution in relation to making the slave population a basis of representation, be extended to new States, never had in view when the Constitution was formed? And shall the generous conduct of the North in consenting to the purchase of Louisiana and Florida and their admission as States, with a slave basis of representation, be an encouragement to the South, who are impatient of political inferiority, to demand a further extension of slavery, and a consequent slave representation in Congress?

This, sir, is the issue between the North and South; and it is evident that one or the other must yield, or the conflict may be disastrous.

If common ground can be found on which both sections can stand and permit the arbitrament of the question to be settled by time and those parties most directly interested in the result, why is the President's plan rejected? It can be for no other reason than that a settlement is not desired. The agitation of these questions is the pabulum on which certain politicians feed, and upon which they rely for political existence. The President's judicious counsel is rejected, and all parties are at sea. For months the legislation of Congress is suspended; and devices and schemes of impracticable adjustment are the subjects of never-ending discussion.

It may not become me to speak of legislation in progress in the other branch of the National Legislature, but, sir, it is notorious that this House has been kept upon the discussion of the subject now before us, when debate is exhausted, for the unconcealed purpose of awaiting the action of the Senate upon a system of compromise. Compromise is an alluring term. I would not reject a measure of adjustment in advance. I may vote for a settlement of the Texas boundary. I am not pledged against the amendment of the law of 1793, in relation to the reclamation of fugitives from labor. But, sir, every gentleman who has favored such a scheme in this Hall, has failed to show the propriety of keeping California in waiting for a reconciliation of all sectional differences. As well might she be made to wait until the modification of the tariff of 1846 is made satisfactory to certain languishing and somewhat sectional interests.

I know, sir, that there is a system of legislative management, familiarly called "log-rolling;"

but when was log-rolling employed on so stupendous a scale as this? When was a strong measure made to bear the intolerable burden of so many weak and obnoxious measures? Never, sir, in the history of fair and constitutional legislation. And if the friends of the great scheme suppose that the people of the North are so anxious for the admission of a free State into this Confederacy, as to submit to a system of unpalatable and offensive measures, they mistake the spirit and judgment of that people. The North regards the annexation of Texas, in the manner in which it was effected, as a violation of the Constitution—the war with Mexico as a measure brought about by Executive usurpation and wrong—the acquisition of foreign territory by conquest as a deplorable and pernicious evil. But, sir, the North will not be chargeable with a violation of treaty obligations. She is ready and willing "to incorporate" the territory acquired "into the Union of the United States." She is not ready and willing to sacrifice feeling, principle, humanity, and the political position which, under the Constitution, she had acquired by her own honest vigor and enterprise. If California be rejected in her application for admission, the North will stand acquitted of violated faith; and upon those who have violently and unjustly cast her fortune into the scale with heterogeneous and unpopular measures, must rest the odium and responsibility of her rejection.

The clock reminds me that my hour draws to a close, and I shall notice one point of importance. I may not be able to complete what I have to say upon this topic; but, claiming the privilege of custom in such cases, shall, at leisure, commit to paper what I intended to say.

The South continually complain, that all the opposition of the North to slavery proceeds from a sickly sentimentalism, a sort of pharisaic propensity to find motes in others' eyes; and that the free States are oppressing the slave States, by urging a mere abstraction.

"Leave us alone in the quiet enjoyment of our rights is all we ask," say they. But, sir, I challenge the proof of this position. I appeal to the constant and unwearied efforts making, to get, by indirection, by direct means, or by any other means, a recognition of slavery in the Territories. The Missouri line running through territory where slavery was recognized by the *lex loci*, prohibited the existence of the institution north of the line, and permitted things to remain in *statu quo* south of the line. Now, when the South demand an extension of the line to the Pacific ocean, they couple it with a demand that Congress shall recognize and protect slavery south of the line. Call you this a mere abstraction? Is there nothing practical in this issue? Is it anything less than a demand of the North to lend its political power to plant a curse, "a great social and political evil," on free soil? It would be more liberal and candid to attribute our repugnance to incur the guilt of such an awful responsibility, to conscience, to good faith towards the helpless Territories intrusted to our care than to a mawkish sentimentality.

I know there are fanatics in every land. The masses are, in the main, sober-minded; and rely upon it, sir, that one universal, deep-seated resolve exists in the mind of the North, that our people will not be answerable before high Heaven for the establishment, either through their gross neglect or positive action, of African slavery on soil now free.